IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 12464 of 2001

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.SHAH

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

V P PANDEY

Versus

OIL & NATURAL GAS CORPORATION LTD.

Appearance:

1. Special Civil Application No. 12464 of 2001

MR AK CLERK for Petitioners No. 1-12

MR RH MEHTA, AGP for Respondents No. 1-3

CORAM : MR.JUSTICE M.S.SHAH

Date of decision: 28/12/2001

ORAL JUDGEMENT

Rule. Mr RH Mehta, learned counsel waives service of Rule for respondent Nos. 1 to 3.

2. Since the controversy raised in this petition is covered by the decision dated 24.12.2001 in Special Civil

Application No. 11440 of 2001, it is not necessary to set out all the facts and the rival contentions.

3. Suffice it to state that the petitioners were recruited as ATs(Rom) by the ONGC in the year 1987 and were thereafter appointed as Rigmen(D) by Office Order dated 23.4.1991. They were also subsequently promoted as Topmen(D). There is a settlement dated 2.2.2000 between the management of the ONGC and the Rigmen & Topmen Association under which the ATs(Rom) are to be treated as having been appointed as Rigmen(D) upon completion of one year's service from the date of joining as ATs(Rom). The settlement dated 2.2.2000 provided that the 463 employees appointed in ONGC WRBC in the year 1987, 1988, 1989 & 1990 as AT(Rom) & Drill Asst. Gr.III(P) as per the enclosed list to be considered for appointment as Rigman on completion of one year service in ONGC from the date of their joining service in the Organization. Further, the settlement provides for preponement of the appointment as Rigman(D) on completion of one year's service in the ONGC from the date of their joining service in the organization.

It is submitted that since all the persons who were appointed were given their inter se seniority according to their merit at the time of selection and the persons appointed on the same date were permitted to join, but their inter se seniority remained the same, the settlement should be interpreted to mean that for counting one year's service, the date of appointment order should be the crucial date and not the date of actual joining and that in any case the inter se seniority in the cadre of Rigman(P) and Topman(P) should not be allowed to be disturbed.

4. The petitioners have taken advantage of the settlement which clearly provides for counting one year's service from the date of joining service in the ONGC. The contentions raised herein were also earlier raised before this Court in Special Civil Application No. 11440 of 2001 which has been dismissed by judgment dated 24-12-2001. For the reasons recorded in the said decision, the Court does not find any merit in this petition also.

5. The petition is accordingly dismissed. Rule is discharged with no order as to costs.

(M.S. Shah, J.)
sundar/-